THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19949 of 2006

Dated:23.11.2006

Between

1.Sri Nimmala Manikyala Rao and others.

.....Petitioners

and

1.The Deputy Registrar of
Cooperative Societies,
Pathebada, Eluru, West
Godavari District and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19949 of 2006

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records in MA No.24 of 2006 in Appeal No.65/2006 dated 8.9.2006 on the file of the A.P. Cooperative Tribunal, Vijayawada, refusing to suspend the order of supersession dated 14.8.2006 and to quash the same as illegal and arbitrary.

It appears that by invoking the provisions under section 34 (1) of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') the 1st respondent-Deputy Registrar of Cooperative Societies, Pathebada issued the order of supersession. Aggrieved by the same, the petitioner has filed an appeal and the same is pending.

Under the impugned proceedings dated 8.9.2006, the stay

petition filed along with the appeal against the order of Supersession dated 14.8.2006 passed by the authority, was dismissed.

It may be necessary to notice the reasons furnished by the Deputy registrar in passing the order under Section 34 (1) of the Act that the General Manager of DCCB, West Godavari District, Eluru, which is the financing bank has informed that the Managing Committee of Adavikolaru LSCS is not functioning properly as there are so many irregularities, such as missing of receipt books, non submission of interest rebate claims, crop insurance claims etc., and the General Manager requested to initiate action against Managing Committee of the society as per the provisions laid down in the Act and Rules which fulfill the conditions laid down under Section 34 (6) of the Act. Except this, no other reasons were furnished.

Prima facie, I am of the opinion that on the said ground alone Society could not have been superseded under Section 34 (1) of the Act. Therefore, I deem it appropriate to dispose of the Writ Petition, directing the appellate authority to dispose of the appeal, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the interim order passed by this Court on 29.09.2006 suspending the operation of the impugned proceedings, which are subject matter of the appeal, shall continue during pendency of the appeal.

Writ petition is disposed of, accordingly. No costs.

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23-11-2006

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